REMARKS

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed January 26, 2007. Claims 1-3, 5-23, 25-38, 40-48, 50-54, 57 and 58 stand rejected.

Rejections Under 35 U.S.C. §102(e)

Claims 1-3, 5-23, 25-28, 40-48, 50-54, 57 and 58 are rejected under 35 U.S.C. §102(e) as being anticipated by Product Requirement Document (PRD) for NOCpulse Internet Operational Support Service, dated August 30, 2001 (hereinafter "NOCpulse PRD").

The NOCpulse PRD cited by the Examiner does not qualify as prior art under 35 U.S.C. §102(e). The NOCpulse PRD was referenced by the Applicant in the Declaration under 37 C.F.R. §1.131 submitted with the Response of December 22, 2006, to swear behind the Mayer reference. The NOCpulse PRD, a copy of which is submitted herein with the 1.131 Declaration, is an internal document used by the Applicant as evidence of reduction to practice of the presently claimed invention. Because the NOCpulse PRD has never been published outside of NOCpulse, it does not qualify as prior art under 35 U.S.C. §102(e) or any other section of 35 U.S.C. §102. Accordingly, Applicant respectfully requests that the Examiner no longer consider the NOCpulse PRD as prior art for the presently claimed invention.

Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. § 102(e) and submits that the pending claims are in condition for allowance. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-

2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: February 28, 2007

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